

*Bentwood Park Condominium  
Owners Association  
P.O. Box 2873  
Durham, NC 27715*

October 30, 2010

Sherri Zann Rosenthal  
Senior Assistant City Attorney  
City of Durham  
101 City Hall Plaza  
Durham, North Carolina 27701

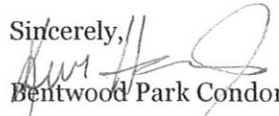
Dear Ms. Rosenthal:

We want to thank you for taking the time to listen to us, granting us additional time to resolve some of our billing issues and considering this proposal. After careful thought and debate, we have come up with the following plan:

1. We will immediately implement a special assessment of \$200.00 for November 2010 for all 180 unit owners, in addition to regular dues of \$135.00, for a total of \$335 per unit owner;
2. We are actively seeking an attorney to help us file temporary restraining orders and eventually get a preliminary injunction to get access to properties owned or controlled by the Estate of Bobby Roberts and all delinquent units;
3. We are actively seeking out and contacting local engineering companies regarding the cost of sub-metering;
4. We will assign accounts receivables of \$80,000 to the Water Department;
5. We are actively obtaining estimates from plumbers for the cost of severing and sealing waterlines of owners that have outstanding debts, which will reduce the usage of water;
6. We recently had an emergency meeting on 10/30/2010 and discussed the outstanding water bill, HOA dues delinquencies, and minimizing water use. We requested that owners check for water leaks and to monitor tenant usage. We are actively encouraging the unit owners to install water-efficient toilets and shower heads; and
7. We will implement a second special assessment of \$200.00 for December 2010 for all 180 unit owners, in addition to regular dues + assessment of \$135.00, for a total of \$335 per unit owner.

We hope this plan satisfies your concerns. We look forward to your written response. We plan to elect new Board members at our January 6, 2010 annual meeting. We understand that you have extended cutting the water off multiple times but we respectfully ask that you give us an extension until the new Board is in place and we have had ample time to implement the above changes. Please mail your response to Bentwood Park Condo HOA, P.O. Box 2873, Durham, NC 27715.

Sincerely,

  
Bentwood Park Condominium Owner's Association

CC: City of Durham, Dept. of Water Management  
City of Durham, Assistant City Attorney

Encl.

DURHAM



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CITY OF MEDICINE

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DEPARTMENT OF WATER MANAGEMENT  
101 CITY HALL PLAZA • DURHAM, NC 27701  
919-560-4381 • FAX 919-560-4479  
www.durhamnc.gov

Administration  
919-560-4381  
Customer Billing Services  
919-560-4412  
Laboratory Services  
919-560-4386  
Plant Maintenance  
919-560-4388  
Regulatory Compliance  
919-560-4381  
Wastewater Treatment  
North - 919-560-4384  
South - 919-560-4336  
Water Supply & Treatment  
Williams - 919-560-4349  
Brown - 919-560-4362  
Water & Sewer Maintenance  
919-560-4345

November 22, 2010

Bentwood Park Condominium Owners Association  
P.O. Box 2873  
Durham, NC 27715

RE: Delinquent Water Sewer Accounts # 309893, 310810  
322 JUNCTION ROAD, DURHAM NC

Dear Bentwood Park Condominium Owners Association:

We have received and reviewed your submittal dated October 30, 2010. We appreciate the efforts of the current homeowners' association board of directors, and thank you for informing the City of the steps you intend to take to improve internal operations of your HOA and its ability to meet its debts.

However, the Bentwood Park Condominium Owners Association (BP COA) proposal did not contain adequate information on the immediate steps the BP COA will take to make appropriate payment arrangements to the City. Unless the BP COA, the legal customer for the water and sewer accounts serving your neighborhood, agrees to a payment plan which includes keeping all accounts current and also pays an additional amount of with each billing to address the arrearage owed, the City will have no recourse other than to terminate service to all delinquent accounts at this location. Please see the attached proposed payment schedule which will bring your accounts current by November 30, 2011.

The current past due amount, including the October bill, totals \$81,669.63. The City will postpone termination of service if a written agreement is entered into immediately ensuring the above conditions are met. Breach of the payment plan will result in water cut off.

The City will proceed with termination of water service for the Bentwood Park Condominiums unless payment plan is entered into on or before December 1, 2010. Due to the extended period that the City has already postponed cut off at the request of the BP COA, we are unable to continue postponing cut off unless a definite repayment schedule is agreed to, and payment is made in accordance with such repayment agreement.

Sincerely,

Donald F. Greeley, P.E., PLS  
Director

C: Sherri Zann Rosenthal, Senior Assistant City Attorney  
Thomas J. Bonfield, City Manager  
Theodore L. Voorhees, Deputy City Manager  
Vicki Westbrook, Assistant Director, Department of Water Management  
Rosa Williams, Billing Manager, Department of Water Management  
Bob Stauffenberg, representative, Bentwood Park COA

*Good Things Are Happening In Durham*

## **Bentwood Park COA – Payment Schedule**

Account 309893 balance is \$46,387.26 (Bill averages \$4,500.00 bi-monthly)

Account 310810 balance is \$35,312.37 (Bill averages \$6,500.00 bi-monthly)

Account 310811 is current (Bill averages \$4,000.00 bi-monthly)

**Total Past Due amount including October bill - \$81,669.63 (October bill due 11/18/10)**

Based on the current usage and billing rates applied, the COA currently is incurring water and sewer charges of approximately \$15,000 per bi-monthly billing cycle. To address the arrearage on the two seriously delinquent accounts and keep all three accounts current, the City proposes the following payment schedule:

**Account 309893** - in addition to current bi-monthly charges, pay an additional **\$7,731.22** by the bimonthly due date for six billings beginning with December 2010 bill or **\$3,865.61** monthly for 12 months beginning in December 2010.

**Account 310810** – in addition to current bi-monthly charges, pay an additional **\$5,885.40** by the bimonthly due date for six billings beginning with December 2010 bill or **\$2,942.70** monthly for 12 months beginning in December 2010.

**The past due balance shall be paid in full by November 30, 2011.** The first payment will need to be paid by December 1<sup>st</sup>. This is a good faith payment. The next payment is due in January 2011 and every bill due date after that one.

**Utilizing this payment plan, an additional \$13,611.61 would need to be paid for each billing cycle until satisfying the entire amount in arrears.**